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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Robert S. Nemiroff

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09/15/2004

LAW OFFICE OF BARRY R LIPSITZ  
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MONROE, CT 06468

EXAMINER

HANEY, MATTHEW J

ART UNIT

PAPER NUMBER

2613

DATE MAILED: 09/15/2004

2

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/737,152

Applicant(s)

NEMIROFF ET AL.

Examiner

Matthew Haney

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5, 7, 8, 10, 14-15, 17-20, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirsten (US 5,724,475).

As for claim 1, 15, and 23, Kirsten teaches of receiving video frames at an input frame rate, capturing ones of said video frames at a still picture capture rate which is less than the input frame rate (Note: enables fields or frames to be acquired from sources in any arbitrary sequence at average rates of up to one-half the video input rate, Column 10, Lines 29-35); providing the captured video frames to a video compressor at the input frame rate, wherein an already captured video frame is repeatedly provided to said video compressor at the input frame rate until a new frame is captured (Note: the repeating the images before or after the compressor has no effect on the outcome of the lower bit rate, Column 12, Lines 53-60, and Column 15, Lines 57-62); transmitting the captured video frames after compression by said video compressor at a still picture repetition rate that is no less than said capture rate (Column 37, Lines 2-7); claim 23 adds the limitation of two memories, one which stores compressed video frames at a still picture capture rate (Figure 4, Reference Number 78) and at least one memory adapted to provide stored video frames for transmission at a still picture

repetition rate that is no less than said capture rate (Figure 6, Reference Number 76 or 78).

As for claims 2-5 and 17-20, Kirsten teaches of an input rate about 30 frames per second (Column 10, Lines 45-49) and of a range for still picture repetition rate (Note: The reference states a range up to 15 frames/fields per second, Column 10, Lines 31-37).

As for claims 7 and 8, Kirsten teaches of compressed captured video frames to be transmitted are gated from the video compressor to a buffer in accordance with the frame repetition rate and then provided as output from said buffer for transmission at the frame repetition rate (Note: Using Figures 5 and 6 in combination shows a data buffer (Reference Number 78) after the compressor and before the transmission (i.e. to the monitor), Column 9, Lines 28-64); only selected ones of the compressed captured video frames are gated (i.e. switched) into said buffer for transmission (Column 10, Lines 31-35).

As for claim 10, most of the limitations of the claim have been discussed in the previous rejection of claim 1. However, claim 10 adds the limitation of the selector adapted to receive video frames at an input frame rate and capture a subset of the video frames at a still picture capture rate (Note: Figure 5 shows the selector (Reference Number 70) and field/frame capture (Reference Number 102) within the same embodiment and therefore could have been adapted into one).

As for claim 14, Kirsten teaches of a gate being adapted between video compressor and said buffer to provide selected ones of the compressed video frames to

the buffer in accordance with said still picture repetition rate (Note: Figure 4 shows a processor bus (Reference Number 112) which directly links the image compressor (Reference Number 74) and buffer (Reference Number 78) together and also receives data from the acquisition control, this therefore lends itself to be the same as a gate).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 13, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsten (US 5,724,475). Although Kirsten does not explicitly teach of compressing all captured frames as I-frames, Kirsten does teach of compressing in intraframe where a set of data for each original image sufficiently represents the original image. It would have been obvious to one of ordinary skill in the art to compress all of the captured frames as I-frames as suggested by Kirsten and would have been motivated to do so to limit the complexity of the compressor.

Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsten (US 5,724,475). Most of the limitations mentioned in the claim are included in the above rejection of claims 1 and 7. Although Kristen does not explicitly teach of a current frame buffer coupled to store the video frames prior to capture thereof

by the selector, it is considered obvious to one of ordinary skill in the art to place a video buffer (i.e. media storage device) in place of one of the cameras because this would give the system the capability of acquiring addition video separate from the stationary cameras but with the ability to meet the limitations of the input rate.

Claims 16, 24, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsten in view of Quirk (US 6,307,565).

Most of the limitations of the claims have been discussed in the above rejections of claims 15 and 23. However, Kirsten does not teach of a first capture frame stored in first memory and repeated while a second memory awaits storage of a second captured video frame and with the added capability of reading and writing commands, however, Quirk does (Column 3, Lines 37-67, Column 4, Lines 1-13, and Claims 1 and 2). It would have been obvious to one of ordinary skill in the art to place two memory buffers in the circuit in order to allow the processing of frames more readily by allowing two operations (read and write) to be happening simultaneously.

Claims 9 and 22 are rejected as obvious because the use of 100 to 200 kbps for video transmitting is defined in the MPEG standards. (Official Notice)

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew Haney whose telephone number is 703-305-4915. The examiner can normally be reached on M-Th (7-4:30), Every Other Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Matthew Haney  
Examiner  
Art Unit 2613

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